

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Reina Hughes,)	C.A. No. 4:04-875-TLW-TER
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Conway Hospital, Inc. and John Brown,)	
)	
Defendants.)	
)	

In this employment case, the plaintiff, in her amended complaint filed August 17, 2004, alleges causes of action against the defendant Hospital for violations of Title VII of the Civil Rights Act of 1964 including claims for a hostile work environment and for discrimination in the form of failure to promote based upon retaliation, national origin, and gender; as well as several state law causes of action against defendant Brown for assault, battery, intentional infliction of emotional distress, false imprisonment, and invasion of privacy. The defendant Hospital filed a motion for summary judgment on May 19, 2005. (Doc. # 31). The plaintiff filed a response in opposition to the summary judgment motion on June 6, 2005. (Doc. # 33). Defendants filed a reply on June 17, 2005. (Doc. # 34).

This matter is now before the undersigned for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Thomas E. Rogers, III, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). The Magistrate Judge held a hearing in this matter on January 26, 2006, after which he issued a Report

and Recommendation on February 28, 2006. In his Report, Magistrate Judge Rogers recommends that the defendant's motion for summary judgment be granted, and that the case against Conway Hospital be dismissed. (Doc. # 41). The Magistrate Judge also recommends that this Court should decline to retain jurisdiction over plaintiff's remaining claims, which are against defendant Brown and brought under state law. Id. Plaintiff filed objections to the Report on March 17, 2006. (Doc. # 43).

In light of the allegations raised in the complaint, this Court, in addition to carefully reviewing all documents filed by the parties, the Report filed by the Magistrate Judge, and the transcript of the hearing held by the Magistrate, also held a hearing in this matter on March 27, 2006 to hear oral argument from counsel on the merits of their respective positions, as well as plaintiff's objections to the Report.

In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections. . . . The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a de novo determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F.Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of this standard, the Court has reviewed, de novo, the Report and the objections thereto. The Court accepts the Report.

THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 41); plaintiff's objections are **OVERRULED** (Doc. # 43); and the defendant Hospital's summary judgment motion is **GRANTED** (Doc. # 31). The Court declines to exercise jurisdiction over the remaining state law claims against defendant Brown.

IT IS SO ORDERED.

s/ Terry L. Wooten

TERRY L. WOOTEN

UNITED STATES DISTRICT JUDGE

March 30, 2006

Florence, South Carolina